

January 7, 2013

West Des Moines City Council Proceedings  
Monday, January 7, 2013

Mayor Steven K. Gaer opened the regularly scheduled meeting of the City Council of West Des Moines, Iowa, in the Council Chambers of the West Des Moines City Hall on Monday, January 7, 2013 at 5:33 PM. Council members present were: T. Ohmart, J. Sandager, C. Schneider, and K. Trevillyan.

Jody Smith, Deputy City Manager/City Clerk, stated the three items relating to the West Des Moines Police Department that were under Citizen Forum have been moved to Mayor/Council/Manager Report/Other Entities Update. He also noted Mayor Gaer has suggested a couple of changes being made on the list of assignments for Item 4(d) Approval of Revised 2012-13 Committee and Other Assignments with a revised list being on the dais.

Mayor Gaer made note that the assignments highlighted in green are temporary and will be revised following the election and swearing in of a new second ward council member.

On Item 1. Agenda. It was moved by Sandager, second by Trevillyan approve the agenda as amended.

Vote 13-001: Ohmart, Sandager, Schneider, Trevillyan...4 yes  
Motion carried.

On Item 2. Public Forum

Linda Robel, 9075 Lindas Lane, requested information on the dirt she had previously removed on property the City had acquired from her for the 105<sup>th</sup> Street interchange project and asked when she could expect it to be returned. Mayor Gaer advised staff would respond to her questions as soon as possible.

On Item 3. Council/Manager/Other Entities Reports:

The Police Department Lifesaving Award and the Police Department Citizen's Lifesaving Award were presented to Police Officer Chris Morgan and Pastor Steve Freeman, Chaplain of the West Des Moines Police Department, for their actions in saving a man's life on September 14, 2012.

Police Chief Shaun LaDue introduced Police Officer Barry Graham and welcomed him to the West Des Moines Police Department. Mayor Gaer swore in Police Officer Barry Graham.

Council member Trimble arrived at 5:39 p.m. The attendance was re-taken. Council members present were: T. Ohmart, J. Sandager, C. Schneider, K. Trevillyan, and R. Trimble.

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City Manager Greg Sparks reported the December building report was released last week, which showed the total building permit valuation for 2012 was \$310 million, making it the third highest year for West Des Moines. He stated the Westside Legislative Breakfast will be held tomorrow morning, and a meeting regarding the Fox Creek trunk sewer will be held with residents of that area on Thursday. He reported it has been brought to the City's attention that there have been ongoing traffic problems on 39<sup>th</sup> Street near Valley High School, and the City is working with the school district to resolve those issues.

Mayor Gaer thanked outgoing Council member Charles Schneider for his service on the Council. He read the Resolution of Appreciation to Charles Schneider and presented him with a key to the City.

Charles Schneider expressed appreciation to his fellow elected officials, City staff, the citizens of West Des Moines, his employer, Principal Financial Group, and his wife Lisa. He stated he is looking forward to his experience in the Iowa Senate, but he will miss serving on the West Des Moines City Council.

On Item 4. Consent Agenda.

Council members pulled Item 4(l)1 for discussion. It was moved by Trimble, second by Trevillyan to approve the consent agenda as amended.

- a. Approval of Minutes of December 26, 2012 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
  - 1. Good Stuff, LLC, d/b/a 515 Ultra Lounge, 5535 Mills Civic Parkway, Suite 100 - Class LC Liquor License with Sunday Sales - New
  - 2. Waterfront Seafood Market, Inc. d/b/a Waterfront Seafood Market, 2900 University Avenue - Class LC Liquor License with Sunday Sales and Catering Privileges - Renewal
  - 3. F & K Hagar, L.L.C. d/b/a Westport Lounge, 800 First Street, Suite C & D - Class LC Liquor License with Sunday Sales and Outdoor Service Privileges - Renewal
  - 4. Wok in Motion Corp. d/b/a Wok in Motion, 5515 Mills Civic Parkway - Special Class LC Liquor License (Beer/Wine) with Carryout Wine and Sunday Sales - Renewal
- d. Approval of Revised 2012-13 Committee and Other Assignments
- e. Approval of Lease Agreement - WestCom Tower Site
- f. Approval of Memorandum of Understanding - WestCom Digital Radio System
- g. Approval of HUD Transitional Housing Grant Applications - Human Services:
  - 1. Supportive Housing Grant, through July 31, 2014
  - 2. Supportive Housing Grant, through November 30, 2014
- h. Approval of Temporary Access Easement, 4097 High Street
- i. Approval of 28E Agreement - Street Maintenance and Traffic Signage Related Activities

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- City of Windsor Heights
- j. Approval and Acceptance of Sanitary Sewer Easement - Westtown Shopping Center
- k. Approval of Pay Plan - Non-Union Public Safety Employees
- l. Accepting Work:
  - 2. 2012 Sump Pump Sewer Program
  - 3. South 60th Street and Wistful Vista Drive Traffic Signal Improvements
- m. Resolution - Appreciation to Charles Schneider

Vote 13-002: Ohmart, Sandager, Schneider, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 4(l)1 Accepting Work - 2011 Channel Repair Program

Council member Trevillyan inquired why the Council communication indicates the Public Works Subcommittee recommended “no”, because he does not recall the item being reviewed by the subcommittee.

Jody Smith stated that is an error and the correction will be noted on the official record.

Council member Ohmart pointed out the Council communications for Items 4(l)2 and 4(l)3 also had that same error.

It was moved by Trevillyan, second by Sandager to approve Item 4(l)1 Accepting Work - 2011 Channel Repair Program.

Vote 13-003: Ohmart, Sandager, Schneider, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 5(a) Maple Grove West, generally north of the 9300 block of Fairview Drive - Amend the Planned Unit Development (PUD) to Allow Fences Within the Existing Rear Yard Buffer Park Easement on Residential Lots, initiated by the City of West Des Moines

It was moved by Trimble, second by Schneider to consider the second reading of the ordinance.

Vote 13-004: Ohmart, Sandager, Schneider, Trevillyan, Trimble...5 yes  
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trimble, second by Schneider to approve the second reading of the ordinance.

Vote 13-005: Ohmart, Sandager, Schneider, Trevillyan, Trimble...5 yes  
Motion carried.

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It was moved by Trimble, second by Schneider to waive the third reading and adopt the ordinance in final form.

Vote 13-006: Ohmart, Sandager, Schneider, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 5(b) Wells Fargo West Des Moines Campus (Amendment #3), 800 South Jordan Creek Parkway - Amend Existing Specific Plan to Allow Potential Commercial Construction, initiated by Wells Fargo Home Mortgage

It was moved by Sandager, second by Trevillyan to consider the second reading of the ordinance.

Vote 13-007: Ohmart, Sandager, Schneider, Trevillyan, Trimble...5 yes  
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Sandager, second by Trevillyan to approve the second reading of the ordinance.

Vote 13-008: Ohmart, Sandager, Schneider, Trevillyan, Trimble...5 yes  
Motion carried.

It was moved by Sandager, second by Trevillyan to waive the third reading and adopt the ordinance in final form.

Vote 13-009: Ohmart, Sandager, Schneider, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 6 - Public Hearings: none

On Item 7(a) Amendment to City Code - Title 4 (Health And Safety Regulations), Chapter 5 (Solid Waste Control) - Allow Residents on Private Streets to Participate in the City's Solid Waste Collection and Recycling Program, initiated by the City of West Des Moines

It was moved by Trevillyan, second by Sandager to consider the first reading of the ordinance.

Council member Trimble inquired about the criteria that would determine whether or not other private developments would be allowed to participate in the City's solid waste collection and recycling program.

City Attorney Scieszinski responded that if a private development meets the criteria in the Code and signs the hold harmless agreement, staff would recommend approval to the Council.

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Chris Shires, Development, Planning and Inspection Manager, stated a reason for why the Council might deny a request would be if the development's layout and street widths are such that the contracted waste haulers would not want to serve it at the current rate.

Mayor Gaer asked why the private development will not be included in the clean-up of storm debris.

Mr. Shires responded it is because the city equipment would have to travel on narrow streets and also storm debris is not covered by the City's solid waste contract.

Mayor Gaer stated he thinks if a private development signs the hold harmless agreement for solid waste collection, then that should be able to apply for storm debris clean-up as well. He noted since they are paying property taxes, he doesn't think that distinction should be drawn. He requested staff and the Public Works Subcommittee look into that matter.

Council member Ohmart suggested the Council act on this item as-is tonight and any possible changes to address storm debris clean-up can be included when it comes back for a second and third reading in two weeks.

Vote 13-010: Ohmart, Sandager, Schneider, Trevillyan, Trimble...5 yes  
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Sandager, second by Trevillyan to approve the first reading of the ordinance.

Vote 13-011: Ohmart, Sandager, Schneider, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 8(a) Tallyn's Reach, generally south of Mills Civic Parkway and west of South 88th Street and specifically Outlots F, L, M, N, O, P, Q, R, S and T - Amend the Tallyn's Reach Planned Unit Development (PUD) to Conform With the 2010 Comprehensive Plan Land Use Map - Community Business Lenders - Referred to Plan and Zoning Commission

On Item 8(b) Northeast Basin Drainage Study - Received and Filed

On Item 9 - Other Matters

The Mayor and Council expressed they are sorry to see Charles Schneider's time on the City Council come to an end, but they wish him well in the Senate and look forward to working with him in his new role.

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The regular City Council meeting was adjourned at 6:11 p.m. and Council Workshop adjourned at 7:10 p.m.

It was moved by Trevillyan, second by Schneider to go into Executive Session, per Chapter 21.5(i) of the Iowa Code, to discuss a performance evaluation where that individual has requested a closed session.

Vote 13-012: Ohmart, Schneider, Trevillyan, Trimble, Sandager ...5 yes  
Motion carried.

Entered Executive Session at 7:20 p.m. with the following persons present in the Teamwork Room of City Hall: Mayor Gaer, Council members Ohmart, Schneider, Trevillyan, Trimble and Sandager; Human Resource Director.

It was moved by Trevillyan, second by Schneider to adjourn from Executive Session.

Vote 13-013: Ohmart, Schneider, Trevillyan, Trimble, Sandager ...5 yes  
Motion carried.

The Executive Session was adjourned at 7:54 p.m.

Respectfully submitted,

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Ryan T. Jacobson  
Deputy City Clerk

ATTEST:

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Steven K. Gaer, Mayor